

V. PUBLIC TELEPHONE SERVICE

SECTION 14. PUBLIC TELEPHONE SERVICE

Rule 14.01. Public Telephone Service

Each eligible telecommunications carrier shall be responsible for maintaining at least one public telephone, providing continuous 24 hour service in a well-lighted area which is accessible to the public at all times in each exchange unless the Commission orders a greater number. This responsibility will continue until such time as:

- (1) Another TP is designated by the Commission, or
- (2) The Commission grants an exemption where it is shown that vandalism makes maintenance of the public telephone an undue / costly burden on the TP.

ARKANSAS
PUBLIC SERVICE COMMISSION



RULES
OF
PRACTICE AND PROCEDURE

RULES OF PRACTICE AND PROCEDURE

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RULES OF PRACTICE AND PROCEDURE

ADMINISTRATIVE HISTORY

<u>Docket</u>	<u>Date</u>	<u>Order No.</u>	<u>Subject Matter of Docket/Order</u>
14	05-26-35	--	Adoption of <u>Rules of Practice and Procedure</u> .
185	04-22-37	--	Rules pertaining to applications for CCN for rural electrical extension lines.
U-378	06-30-49	--	Amends Section 15, Rule X, regarding filing of exhibits.
U-512	04-24-51	--	Minimum filing requirements for rate cases.
U-873	09-03-53	--	Comprehensive revision of procedural Rules.
U-2411	09-20-72	--	Revision of procedural Rules IAW Economic Stabilization Act of 1970.
U-2682	12-26-77	--	General rulemaking docket. Superseded No. 14; No. 185; U-378; U-512; U-873; U-2411.
U-2918	05-24-78	--	Amended Rule 9 to provide that municipalities are exempt from the filing requirements usually applicable in rate cases.
U-3100	07-17-80	2	Amended Rule 9 to require a utility filing a rate case to give Commission 60 to 90 days notice.
81-238-R	10-26-81	4	Amended Rule 7.07 to require publication of a map and certain disclaimers in the newspaper notice re proposed major utility facility.
83-203-R	08-30-84	7	Amended Rules 2.07 and 9.13. Ratified by Order No. 8.

RULES OF PRACTICE AND PROCEDURE

ADMINISTRATIVE HISTORY

<u>Docket</u>	<u>Date</u>	<u>Order No.</u>	<u>Subject Matter of Docket/Order</u>
83-203-R	03-06-85	10	Amends Sections 1, 2, 3, 5, 7, 9, and adds Sections 11, 12, and 13. Revisions republished and attached to Order No. 12.
83-203-R	04-05-85	13	Commission revises final form of Rules 3.04, 307, 9.14 as adopted in ALJ Order 10. Reprinted by Order No. 14.
85-076-R	06-28-85	4	Amends Rules 9.13, 12.05. Republished by Order No. 5.
83-203-R	10-15-85	16	Amends Rule 9.14. Republished by Order No. 17.
86-007-R	05-07-86	4	Amends Sections 7 and 11. Revisions republished and attached to Order No. 5.
86-248-R	08-10-89	8	Amends Rule 9.02(k) and adopts the minimum filing requirements applicable to telephone utilities which is designated as Appendix II of Section 9.
86-248-R	08-17-89	10	Amends Rules 9.03, 9.04, and 9.09.
89-106-R	10-23-89	3	Amends Rules 9.02, 9.03, 9.04, and 9.09, and Appendices II and III, applicable to Class B telecommunications utilities.
89-247-R	01-26-90	3	Adopts Rule 9.15, establishing generic depreciation rates for Class B telecommunications utilities.
87-048-R	05-03-90	11	Adopts amendments to rules applicable to Class K telecommunications carriers.

RULES OF PRACTICE AND PROCEDURE

ADMINISTRATIVE HISTORY

<u>Docket</u>	<u>Date</u>	<u>Order No.</u>	<u>Subject Matter of Docket/Order</u>
92-248-R	06-16-94	7	Amends Rules 1.03., 3.03., 7.05., 10.02., 11.02., 11.03., and 12.06. Adopts Appendix 11-1.
94-201-R	01-25-96	6	Amends Rules 1.01., 1.04., 7.06., 7.07., 9.01., 11.01., 11.03., and 11.09. Eliminates Class K Carrier and incorporates Rules for Interexchange Service Providers.
97-040-R	07-24-97	8	Amends Rules to comply with Arkansas Telecommunications Regulatory Reform Act of 1997.

SECTION 1. GENERAL MATTERS

Rule 1.01. Definitions

The following definitions shall apply except as otherwise required by the context:

- (a) "Applicant or Petitioner". A person who by formal application or petition applies for or seeks relief under any provision of the laws regulating public utilities or any Order or Rule of the Commission.
- (b) "Commission", "Chairman", and "Commissioner". The Arkansas Public Service Commission, its Chairman, and a member thereof, respectively.
- (c) "Complainant". A person who complains to the Commission of any alleged act or thing done or omitted to be done in violation or claimed to be in violation of the laws regulating public utilities or of any Order or Rule of the Commission. The Commission shall be deemed a complainant in any proceeding initiated on its own motion.
- (d) "Competing local exchange carrier" or "CLEC" means a local exchange carrier that is not an incumbent local exchange carrier.
- (e) "Incumbent local exchange carrier" or "ILEC" means, with respect to a local exchange area, a local exchange carrier, including successors and assigns, that is certified by the Commission and was providing basic local exchange service on February 8, 1996.
- (f) "Interexchange Carrier". Any entity that is not a local exchange carrier and that provides interexchange communications services to the public for compensation in the State of Arkansas.
- (g) "Intervenor". A person petitioning to intervene (either in support of or in opposition to the relief sought), when admitted as a party to a proceeding.
- (h) "Local Exchange Carrier" or "LEC" means a telecommunications provider of basic local exchange service and switched access service. Such term does not include commercial mobile service providers.

- (i) "Non-electing ILEC" means an ILEC that is not regulated pursuant to either Sections 6 through 8 or Section 12 of Act 77 of 1997.
- (j) "Person" shall have the meaning ascribed to such term in Ark. Code Ann. § 23-1-101(2).
- (k) "Rural telephone company" means a LEC that, as of February 4, 1997, was a rural telephone company under § 3(37) of the Communications Act of 1934, as amended.
- (l) "Secretary". The Secretary of the Commission, or an Assistant Secretary.
- (m) "Section 6 electing company" means a LEC that is regulated pursuant to Sections 6 through 8 of Act 77 of 1997.
- (n) "Section 12 electing company" means a LEC that is regulated pursuant to Section 12 of Act 77 of 1997.
- (o) "Staff". The Staff of the Arkansas Public Service Commission. (See Rule 1.05.)
- (p) "Telecommunications services" means the offering to the public for compensation the transmission of voice, data, or other electronic information at any frequency over any part of the electromagnetic spectrum, notwithstanding any other use of the associated facilities. Such term does not include radio and television broadcast or distribution services, or the provision or publishing of yellow pages, regardless of the entity providing such services, or services to the extent that such services are used in connection with the operation of an electric utility system owned by a government entity.
- (q) "Telecommunications provider" means any person, firm, partnership, corporation, association, or other entity that offers telecommunications services to the public for compensation.
- (r) "Tier One Company" means any ILEC that, together with its Arkansas affiliates that are also ILECs, provided basic local exchange services to greater than one hundred fifty thousand (150,000) access lines in Arkansas on February 4, 1997.

Rule 1.02. Commission

- (a) The principal office of the Commission is in Little Rock, Arkansas.
- (b) The offices of the Commission shall be open during regular business hours maintained by State agencies.
- (c) General sessions of the Commission for the transaction of its business will be held at its principal office on regular business days as scheduled by the Commission. Special sessions of the Commission for consultation or for the transaction of business may be held at any time or place as may be scheduled by the Commission.
- (d) The Commission, by one or more of its members, or by such other representative(s) as it may designate (hereafter called Examiner(s)), may conduct in any part of the State any inquiry, investigation, hearing, or other proceeding necessary to perform its duties and functions.

Rule 1.03. Amendments to and Exemptions From the Rules

- (a) The Commission may, at any time, amend its Rules after due notice and hearing.
- (b) Upon application, the Commission may grant an exemption from any of its Rules if it is found to be in the public interest and for good cause. The application shall include justification for the request.
- (c) No exemption from the Commission's Special Rules-Gas shall be granted if the exemption would conflict with the Arkansas Gas Pipeline Code.

Rule 1.04. Secretary

- (a) All orders and other actions of the Commission shall be authenticated or signed by the Secretary, an assistant secretary, or such other person as may be authorized by the Commission.
- (b) The Secretary or an assistant secretary shall issue all notices of hearings and other process as may be directed by the Commission. All notices of hearings shall show

the time, day, and place of the hearing, and all hearings shall be open to the public. Provided, that in the event a protective order is issued pursuant to Ark. Code Ann. § 23-2-316, the hearing may be held in executive session. Unless otherwise provided by statute, rule, or Commission order, or unless requested by a party, the Secretary shall serve one copy of every order on each party of record. (See Rules 2.08.(a); 3.03.(a); 3.15.)

- (c) The Secretary or an assistant secretary shall assign to each formal proceeding a docket number and title descriptive of the subject matter, which number and title will be placed on all notices issued, orders made, and papers filed in such proceeding.
- (d) Pleadings and other papers to be filed with the Commission shall be filed in the office of the Secretary. All pleadings duly filed, including any and all exhibits and/or attachments thereto, shall constitute and be a part of the record in each case.
- (e) Requests for official information, copies of orders of the Commission, or opportunities to inspect public records maintained by the Commission shall be made to the office of the Secretary. The Secretary is authorized to make a minimum charge for the reproduction of official information, copies of orders, and pamphlets of the Commission.
- (f) The Secretary shall compile and maintain official service lists in every formal proceeding, which shall contain the name and mailing address of every party upon whom service of pleadings and notices are required by these rules. The Secretary shall furnish, upon request, to any such party, a copy of the official service list.
- (g) The Secretary is hereby delegated authority to extend the time for filing by not more than five (5) days of any answer, response, brief, exhibit, testimony, deposition, or similar pleadings or documents, in the event all of the Commissioners are absent or otherwise unavailable, at the time the request for such extension of time is made. (See also Rule 2.10.)
- (h) The Commission may by administrative order from time to time delegate additional authority to the Secretary. Copies of said order(s) shall be served on the jurisdictional utilities.

(i) The Secretary of the Commission shall maintain a list of each authorized telecommunications provider in the State of Arkansas. In conjunction with the name of each telecommunications provider, the list shall also contain the name and business address of the person designated by the carrier to receive all process and official correspondence from the Commission. It shall be the obligation of all telecommunications providers to ensure that the information maintained on this list is current and accurate.

(j) See also the following rules for additional responsibilities of the Secretary of the Commission:

- Rule 2.03. - Maintain service list
- Rule 2.08. - Mail duplicate for return for setting orders, service of process pursuant to Ark. Code Ann. § 23-2-405
- Rule 2.10. - Extension of time to file for up to five days
- Rule 3.05. - Issuance of subpoena
- Rule 3.15. - Service of copies of decisions, orders
- Rule 7.04. - Customer releases
- Rule 7.05. - Telephone CCNs
- Rule 9.03. - Serve notice on Director of filing of rate applications
- Rule 10.04. - Serve copy of complaint on each respondent
- Rule 11.02. - Tariff filings
- Section 12. - Rules

Rule 1.05. Staff

All employees of the legal, engineering, rate, accounting, finance, pipeline safety, or other division or department of the Commission, other than the members of the Commission, who may participate in formal proceedings before the Commission, are defined as the Staff. The Staff shall be bound by and shall conform to the Commission Rules of Practice and Procedure as a party in any formal proceeding in which the Staff participates by cross-examination or the production of evidence.

Rule 1.06. Ex Parte Communications

In order to avoid all possibilities of prejudice, real or apparent, to the public interest and persons involved in proceedings pending before the Commission:

- (a) No person, with the exceptions of Staff and Staff Counsel, shall submit ex parte, off-the-record communications to any member of the Commission or hearing examiner in such proceeding, reasonably designed to influence a decision on any issue of fact in a contested proceeding. No person, with the exception of Staff and Staff Counsel, who is a party to, or his counsel, agent, or other person acting in his behalf, shall submit ex parte, off-the-record communications to any member of the Commission or the hearing examiner in such proceeding regarding any issue of law in any contested proceeding. No Commissioner or hearing examiner shall request or entertain any ex parte, off-the-record communications herein prohibited.

For the purposes of this Rule, "contested proceeding" means a formal proceeding, other than a rule-making proceeding, required by statute, constitution, published Commission rule or regulation, or order in a particular case, to be decided on the basis of the record of a Commission hearing, and in which a petition or notice to intervene in opposition to requested Commission action has been filed.

- (b) A Commissioner or hearing examiner in such proceeding who receives an offer of any communication concerning any matter at issue in a contested proceeding shall decline to listen to such communication and shall explain that the matter is pending for determination. If unsuccessful in preventing such communication, the recipient thereof shall advise the communicator that he will not consider the communication, and he shall promptly and fully inform the Commission and all other parties to the proceeding of the substance of the communication and circumstances thereof.
- (c) Requests for an opportunity to rebut, on the record, any facts or contentions contained in an ex parte communication may be filed in writing with the Commission. The Commission will grant such requests only where it determines that the dictates of fairness so require. Where the communication contains assertions of fact not a part of the record of which the Commission cannot take official notice, the Commission in lieu of receiving rebuttal material normally will direct that the alleged factual assertion and any proposed rebuttal be disregarded in arriving at a decision.

SECTION 2. PLEADINGS AND OTHER PAPERS

Rule 2.01. Subject Matter

All pleadings (including formal applications and complaints, briefs, and other papers filed with the Commission) shall comply with this Section. (See Section 11. generally regarding tariff filings.)

Rule 2.02. Form and Size

All documents, whenever practicable, shall be printed, typewritten, or reproduced on one side of the paper only, and double-spaced with a normal margin on all four sides. Testimony and exhibits of each witness shall be securely bound. All pleadings, testimony and financial or numerical exhibits prepared for use in a proceeding shall be on paper 8-1/2 by 11 inches in size. Provided, however, that financial, numerical, or other exhibits may be on paper larger than 8-1/2 x 11 inches, if necessary, but said exhibits shall be folded to 8-1/2 x 11 inch dimensions when filed with the Secretary of the Commission, or made an exhibit for the record at a hearing. Each page and, to the extent practical, each line of all filed testimony and exhibits prepared for use in a proceeding shall be numbered. Reproduction may be by any process provided all copies are clear and permanently legible.

Rule 2.03. Title, Docket Number, and Official Service List

- (a) Pleadings, briefs, testimony, and exhibits shall show the venue as "Arkansas Public Service Commission", the title of the proceedings, the docket number assigned, and an appropriate designation (e.g., Petition, Motion, Brief, Application, Complaint). It shall be sufficient that a cover sheet contains the required information.
- (b) The name, title, post office address, and telephone number of the individual to whom pleadings, notices, and correspondence are to be addressed and to be shown on the Official Service List to be maintained by the Secretary shall be set forth in the initial pleading filed in any proceeding by any applicant, petitioner, complainant, respondent, or intervenor.

Rule 2.04. Incorporation by Reference

Whenever these rules provide that a document is required to be filed with any pleading, such document, if already on file with the Commission from a prior proceeding, shall be sufficiently identified if this fact is stated and reference made to the docket number of the prior proceeding. Incorporation by reference is permitted only if the previously filed document is exactly the same as the required document.

Rule 2.05. Signature and Verification

Pleadings shall be signed by one of the following methods:

- (a) If the party is an individual, by the individual. If the party is a partnership, by an authorized member of the partnership. If the party is a corporation, by an authorized representative of the corporation. If the party is a municipality, by the mayor or authorized representative of the municipality. If the party is an association, by an authorized delegate of the association. If the party is an agency or a department of the federal or state government, by an authorized representative of such agency or department.
- (b) The attorney for any party may sign for that party provided, however, that any attorney who signs for such party thereby represents that he is authorized to do so and that he is a licensed attorney at law in this State or the state of his residence and that he agrees to conform to the standards of conduct required by attorneys before the courts of Arkansas and that he agrees to comply with the Rules and Regulations of the Commission.
- (c) All pleadings and amendments shall be verified by the party filing the same unless signed by the party's attorney in which event such signature shall constitute a certificate by him that he has read the pleading; that to the best of his knowledge, information and belief there is good ground to support it; and that it is not interposed for delay.

Rule 2.06. Exhibits and Prepared Testimony

- (a) Rule 2.02., Form and Size, and Rule 2.03., Title, Docket Number and Official Service List, shall apply to exhibits

and prepared testimony. In addition, exhibits and prepared testimony shall disclose on their face the party on whose behalf they are being filed.

- (b) All exhibits to be introduced through direct testimony shall be filed with the Commission not less than thirty (30) calendar days prior to the date of the hearing in a contested proceeding and not less than fourteen (14) calendar days prior to the date of the hearing in an uncontested proceeding. For purposes of rate applications, exhibits shall be filed in accordance with Section 9. of these Rules.

Rule 2.07. Copies

Unless otherwise required by the Commission, there shall be filed with the Commission an original and thirteen (13) copies of each pleading and each exhibit plus an additional copy for each party upon whom a copy of such documents must be served by the Commission.

Rule 2.08. Service

- (a) Personal service of all pleadings and other papers may be made by any officer authorized to serve process issued out of courts of law. The return of service by the officer shall be conclusive evidence of the manner and time of service. In instances where the Commission issues an order setting a hearing or where the Commission issues service of process, pursuant to Ark. Code Ann. §23-2-405, a duplicate of the instrument served shall be enclosed, upon which duplicate the person served shall endorse the date of his receipt of the original, and shall promptly return said duplicate to the Commission. (See also Rule 1.04.(b); and 3.15.)
- (b) In computing the time within which an act must be performed after service of process or notice by mail, the first day of service or of receipt of the notice shall be excluded, and the last day shall be included; but if the last day shall fall on a Saturday, Sunday, or on a legal holiday, then the next business day shall be construed as the last day. If service is by mail, three (3) business days shall be added to the time allowed for response to, or compliance with, any pleading or order.

- (c) When any party has appeared by attorney, service upon the attorney shall be deemed proper service upon such party.
- (d) All applications, petitions, formal and informal complaints, pleadings, documents and other papers filed by a party must, when filed or tendered to the Commission for filing, include a certificate showing simultaneous service thereof upon all parties to the proceeding. Such service shall be made by delivery in person or by first class or air mail, properly addressed with charges prepaid, one (1) copy to each party. Information as to parties to a proceeding and their proper addresses may be obtained from the Secretary of the Commission.

Rule 2.09. Amendments

Any party to a proceeding, with the permission of the Commission and in the furtherance of justice, may amend any pleading to conform to relevant testimony before the record is declared to be closed and the matter is submitted to the Commission for decision. Amendments offered prior to hearing shall be served on all parties and then filed with the Commission.

Rule 2.10. Extensions of Time

An extension of time may be granted to any party for the filing of pleadings, briefs, exhibits, testimony, depositions, and similar documents by any Commissioner or the designated hearing examiner if a request for such extension is made in writing on or before the due date thereof. If, at the time the request for an extension is made, all of the Commissioners and the designated hearing examiner are absent or otherwise not available, the Secretary is authorized to grant an extension of time of not more than five (5) days. (See also Rule 1.04.(g).)

Rule 2.11. Motions

All motions by any party dealing with either substantive or procedural matters shall be in writing and conform to the requirements of these rules, except such oral motions as may be entertained by the presiding officer during any hearing. Unless a different time is ordered by the Commission, any party may file a written response to motions within ten (10) days after service of said motion.

SECTION 3. PROCEEDINGS

Rule 3.01. Subject Matter

The following rules shall have application to all Commission proceedings unless otherwise specifically stated.

Rule 3.02. Hearings

The Commission may call a hearing to assist it in the adjudication of any matter coming before it. Any matter before the Commission, including formal applications as defined in Section 4. of these Rules, may be adjudicated by administrative order based on the facts presented in the application without a hearing unless a hearing is required by law, the Commission, or these Rules.

Rule 3.03. Notice

- (a) The Commission shall fix the time and place of all hearings and notice of the place, day and hour of a hearing shall be served on all parties to the proceeding at least thirty (30) calendar days before the time set therefor, unless the Commission shall find that public necessity requires the hearing to be held at an earlier date. (See also Rule 1.04.(b).)
- (b) Notice of the filing of a formal application by a public utility shall be given by a public utility in the following manner, unless otherwise provided by the Commission.
 - (1) Upon the filing of an application for a general rate increase, a notice shall be published once each week for two (2) consecutive weeks in a newspaper or newspapers having substantial circulation in the area served by the utility filing such application. The notice shall be at least one-eighth (1/8) page with print in at least six (6) point type. For purposes of this Rule, a general rate increase shall mean an increase affecting ten percent (10%) or more of applicant's customers. Said notice shall contain the following information:
 - (A) Name of applicant.

- (B) A general description of the purpose of the application, the total amount of the requested rate increase, the classes of customers affected, and the approximate amount of the dollar increase and percentage increase proposed for each class under test period conditions together with a brief statement that rates of other customer classes or services may be affected by the final order of the Commission.
- (C) The present and proposed unit price, telephone basic service charge, and customer charges, if any. The unit prices referred to are the per kw, per kwh, per gallon, and cf or mcf price contained in the present rate schedule and the proposed rate schedule.
- (D) A statement that the utility will, upon request, provide to the consumer an estimate of the calculated average monthly dollar amount by which the proposed rates will increase such customer's utility bill. If applicable, the estimate shall be based on the consumer's average consumption level, unless such consumption data is not reasonably ascertainable by the utility. The utility may advise those customers requesting the calculated average monthly dollar amount that the information is subject to the following qualifications:
 - (a) the calculated average is an estimate which may change depending upon the rates finally approved by the Commission; and
 - (b) the calculated average will be provided in only those cases where a customer's proposed rate schedule will not be a different rate than the rate schedule under which the customer presently takes service.
- (E) The date of filing of the application, the Public Service Commission docket number, and the proposed effective date of the new rates.

If a utility requests immediate and impelling relief pursuant to Ark. Code Ann. §23-4-408,

the notice shall include the date the utility is requesting the rates to go into effect under bond.

(F) A statement that the Commission Rules provide procedures for interested persons to intervene as a party or make limited appearances, and that further information may be obtained by writing or calling the Secretary of the Commission. The name of the Secretary shall be set forth.

(G) The name and mailing address of the Commission.

- (2) Application for Certificates of Public Convenience and Necessity for utilities other than Telecommunications Providers.

The applicant for a Certificate of Public Convenience and Necessity shall notify each owner of record (or the person or firm to whom property tax statements have been mailed in the most recent year) of lands which the applicant proposes in its application to traverse. Such notice shall be given by first-class mail, properly addressed with charges prepaid and shall include the following information:

(A) The date the application was filed, the docket number assigned thereto; and, if known, the place, day, and hour of the hearing on such application; if hearing date is unknown at the time of filing for a Certificate of Public Convenience and Necessity, the name and address of the Commission's Secretary where such information may be obtained in the future;

(B) A brief description of the facilities to be constructed and a description of the owner's lands to be traversed.

- (3) Application for Certificate of Environmental Compatibility and Public Need.

The applicant for a Certificate of Environmental Compatibility and Public Need shall give notice as required by Ark. Code Ann. § 23-18-513, Rule 7.08.

of these Rules, and such other notice as the Commission may require in each case, pursuant to Ark. Code Ann. § 23-18-513.

(4) All other proceedings and formal applications.

The Commission may, in its discretion, give all other corporations, municipalities, or persons who may be affected thereby an opportunity to be heard either by service upon them of a copy of the petition or by publication of the substance thereof together with notice of the place, day and hearing of such application, at the expense of the applicant, of such length of time and in such newspaper or newspapers as the Commission may designate. In such cases the form of notice may be prepared by the Commission and a proof of the publication thereof must be filed at or before the hearing.

(c) Proof of notice given by newspaper or by mail, as may be required by this Rule, shall be made by the applicant not later than two (2) weeks prior to the hearing unless a later time is specified by the Commission or hearing examiner.

(1) Proof of newspaper notice may be made by filing a copy of the newspaper notice, accompanied by a declaration of which newspaper published it, and the dates of publication.

(2) Proof of notice by mail may be made by filing a copy of the notice sent to the landowner. If a form notice was sent to each landowner, then the applicant may file a copy of the text of the notice and a list of the names and addresses of the landowners to whom the notices were sent.

Rule 3.04. Intervention and Limited Appearance

(a) Petitions to Intervene -- Deadlines

(1) Generally

Any person having an interest which may be directly affected by the Commission's action and which interest is not adequately represented by other parties may petition the

Commission for leave to intervene as a party in any formal proceeding up to thirty (30) days prior to the date set for the hearing in such proceeding, but not afterward, except for good cause shown. The time when such petition is filed shall not extend any time limit applicable to an intervenor in a proceeding.

(2) Major Utility Facility Proceedings

Petitions for leave to intervene in dockets pertaining to Major Utility Facilities must be filed within thirty (30) days after the date given in the public notice as the date of filing the application. (See Ark. Code Ann. § 23-18-517(a).) The Commission may, for good cause shown, grant a petition for leave to intervene and to participate in subsequent phases of the proceeding, filed by any person who failed to file a timely petition for leave to intervene, whose interests the Commission finds are not otherwise adequately represented by another party, and whose participation will not delay the proceedings, if such intervention or limited appearance is filed and served at least ten (10) days in advance of the date the hearing on the application is scheduled to commence. The time when such petition is filed shall not extend any time limit applicable to an intervenor in a proceeding.

(b) Intervention Generally

(1) Commission Ruling on Intervention

The Commission shall, within twenty (20) days from the date any petition to intervene is filed, rule on the petition to intervene. If no ruling is issued within that time, the petition to intervene shall be deemed to have been denied.

(2) Contents of Petition to Intervene

Every petition to intervene shall be in writing and shall comply with all procedural rules of the Commission and shall contain: clear and concise statements of the nature of the right or interest of the petitioner or intervenor in the proceeding; a clear and concise statement as to why the

interests of the petitioner are not in fact adequately represented by any other party to the proceeding; the specific objections, if any, of the petitioner or intervenor to the applicant's proposal; the grounds and issues of fact and law upon which petitioner or intervenor wishes to be heard; and any other reasonable information which may be required by rule or order of the Commission.

(c) Limited Appearances

(1) Generally

Any person may make a limited appearance in the proceeding by filing with the Commission, and serving upon all parties, a verified statement of position at least ten (10) days prior to the date set for the hearing in such proceeding, but not afterward, except for good cause shown. No person making a limited appearance shall be a party or shall have the right to receive further notice or present oral testimony or argument or cross-examine witnesses, but is subject to being called for cross-examination on the subject of such statement of position by the Applicant or other party of record. If such person is called and fails to appear for cross-examination such statement of position shall be stricken from the record.

(2) Major Utility Facility Proceedings

A petition to file a limited appearance in a docket pertaining to a Major Utility Facility shall include the filing of a verified statement of position within thirty (30) days after the date given in the public notice as the date of filing the application. (See Ark. Code Ann. § 23-18-517(b).)

Rule 3.05. Subpoenas and Requests for Information and Documents

(See also SECTION 13. DISCOVERY.)

- (a) Subpoenas requiring the attendance of a witness, from any place in the State, at any designated place for the purpose of taking the testimony of such witness orally may be issued by any Commissioner, Examiner, the